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General Assembly
Security Council

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4 June 2012

Original: English

General Assembly
Sixty-sixth session
Agenda item 127
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Sixty-seventh year

Identical letters dated 1 June 2012 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit to you the attached letter dated 21 May 2012 that I have received from Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (see annex).

In his letter, Judge Joensen requests the extension of the term of office of one permanent judge and two ad litem judges of the Trial Chamber of the Tribunal until 31 December 2012 or until the completion of the case to which they are assigned, if sooner. He further requests the extension of his own term of office until 31 December 2014, the date by which the Tribunal is expected to complete all its work.

I recall that, pursuant to Security Council resolution 2029 (2011) and General Assembly decision 66/418, the current term of office of the Trial Chamber judges is set to expire on 30 June 2012. Contrary to earlier projections, however, the *Ngirabatware* case will not be completed by that date. Furthermore, the Tribunal will require a President to perform functions provided for under its Statute until it completes its work. It is therefore necessary to extend the term of office of the three judges hearing the *Ngirabatware* case and that of Judge Joensen beyond 30 June 2012.

It falls to the General Assembly and the Security Council to consider and decide on this request. Accordingly, I should be grateful if you would bring the letter from Judge Joensen to the attention of the General Assembly and the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 21 May 2012 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

I am writing to request the extension of the terms of office of four judges of the Trial Chambers of the Tribunal.

Pursuant to Security Council resolution 2029 (2011), the terms of office of the judges of the Trial Chambers will expire on 30 June 2012. At the beginning of 2011, the Tribunal had four permanent trial judges and eight ad litem judges. Of these, one permanent trial judge has completed his service and demitted office, and another has been redeployed to the Appeals Chamber. A third permanent trial judge will be redeployed to the Appeals Chamber in late June 2012 and, in line with article 13 (3) of the Statute of the Tribunal, his term will not require extension as it will automatically become the same as the term of the current Appeals Chamber judges. Five ad litem judges will demit office upon completion of their cases on or before 30 June 2012.

It is necessary to extend the term of office of one permanent judge and two ad litem judges in order for them to complete the *Ngirabatware* trial, which will continue beyond 30 June 2012. The current projection is that the case will be completed by the end of 2012. Delays in this trial have resulted in part from the unanticipated continuation of the Defence case owing to fair trial requirements, including the Defence request to present a rejoinder case in order to refute evidence presented by the Prosecution in its rebuttal case. The participation of two of the three judges in a parallel trial has also contributed to the delay. Upon completion of the case, the permanent judge will be redeployed to the Appeals Chamber, in line with article 13 (3) of the Statute and the ad litem judges will demit office.

Furthermore, it is also necessary to extend my term of office beyond 30 June 2012, so that I may continue to carry out the functions of the President, which are required by the Statute. The President continues to perform functions related to judges, the Registry, defence counsel, detainees and cooperation with member States until the completion of all cases and until handover to the International Residual Mechanism for Criminal Tribunals is completed. All cases are currently expected to be completed by the end of 2014.

Consequently, I ask for an extension of the terms of office of Judge William H. Sekule, Judge Solomy Balungi Bossa and Judge Mparany Rajohnson until 31 December 2012, or until the completion of the *Ngirabatware* case, if sooner. I also ask for an extension of my term until 31 December 2014.

I should note that further extensions may be required if the request for referral of the *Munyagishari* case to Rwanda is denied. Such trial would require a bench of three judges, one of whom could be the President. The Tribunal is obligated to handle the trial, if any, pursuant to article 1 of the Transitional Arrangements annexed to Security Council resolution 1966 (2010) since the arrest was made prior to 1 July 2011. I also note that under article 4 of the Transitional Arrangements, the Tribunal is obligated to handle trials of contempt/false testimony cases where the indictment has been confirmed before 1 July 2012. These cases also require a bench composed of three judges. The Tribunal has confirmed three such indictments against fugitive-accused.

These extensions are of crucial importance to ensure that the Tribunal can meet the goals of its completion strategy, i.e. the completion of all trials by the end of 2012 and of all appeals by the end of 2014. Therefore, I should be grateful if you could bring my request to the attention of the Security Council and the General Assembly for necessary action, where required.

(*Signed*) Vagn **Joensen**
President

United Nations S/2012/393

Security Council

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4 June 2012

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Letter dated 4 June 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Further to our letter dated 25 May 2012 (S/2012/366) through which we registered our reservation on the map presented by the Chair of the African Union High-level Implementation Panel, Mr. Thabo Mbeki, especially the inclusion of the disputed area known as 14 miles south of Bahrelarab as part of the territories of the Government of the Republic of South Sudan, I have the honour to enclose herewith the following maps that prove that the aforementioned disputed area is located within the boundaries of the Republic of the Sudan:

(a) The United Nations map for the Republic of the Sudan, March 2012;

(b) The United Nations map for the Republic of South Sudan, March 2012;

(c) The map of the United Nations Mission in South Sudan for the Republic of South Sudan, November 2011;

(d) The map of the African Union-United Nations Hybrid Operation in Darfur for the Republic of the Sudan, December 2011.

I have further the honour to inform you that all the above-mentioned maps were handed over to the African Union High-level Implementation Panel and to the African Union Commission for Peace and Security.

Kindly circulate this letter and the attached four maps as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

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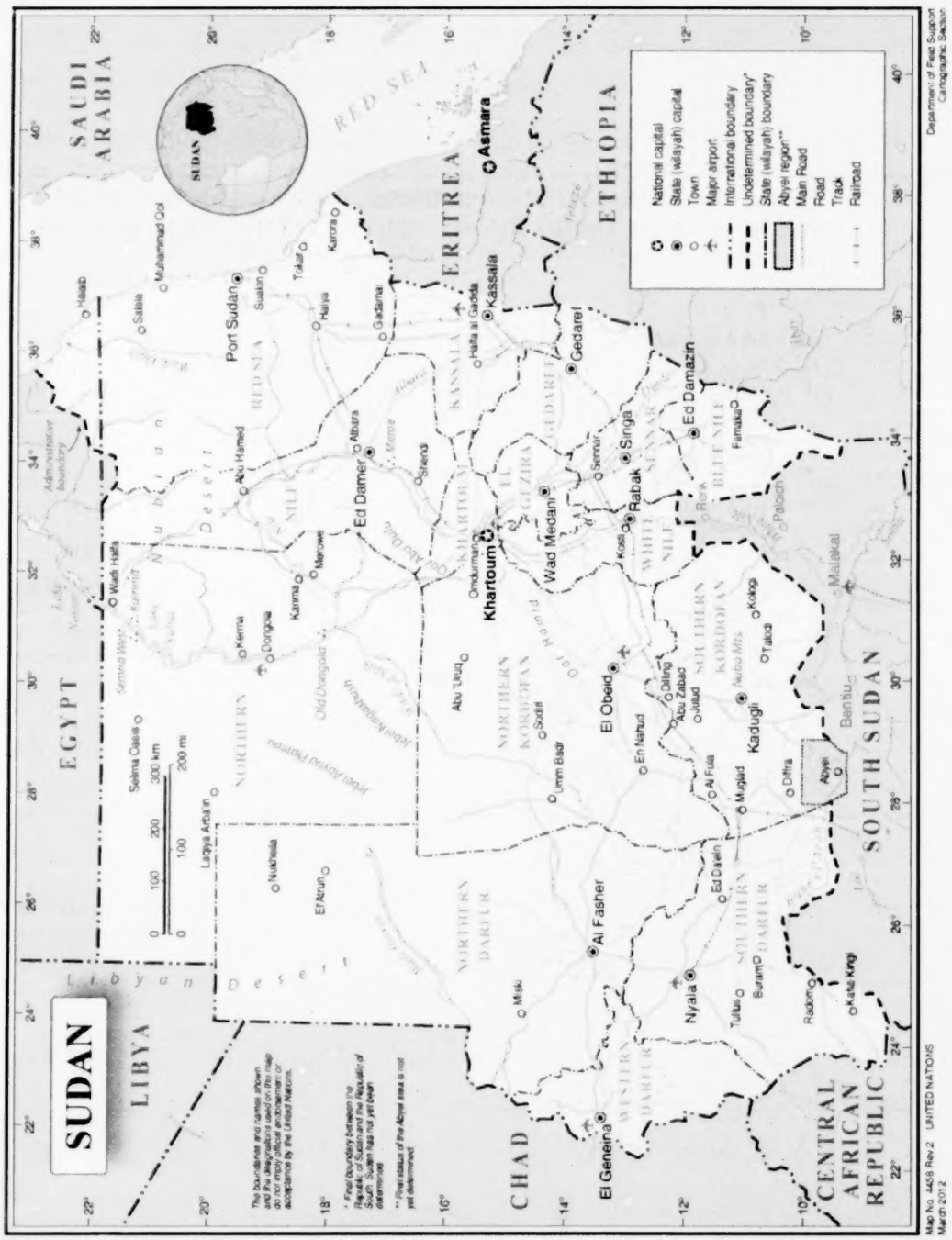
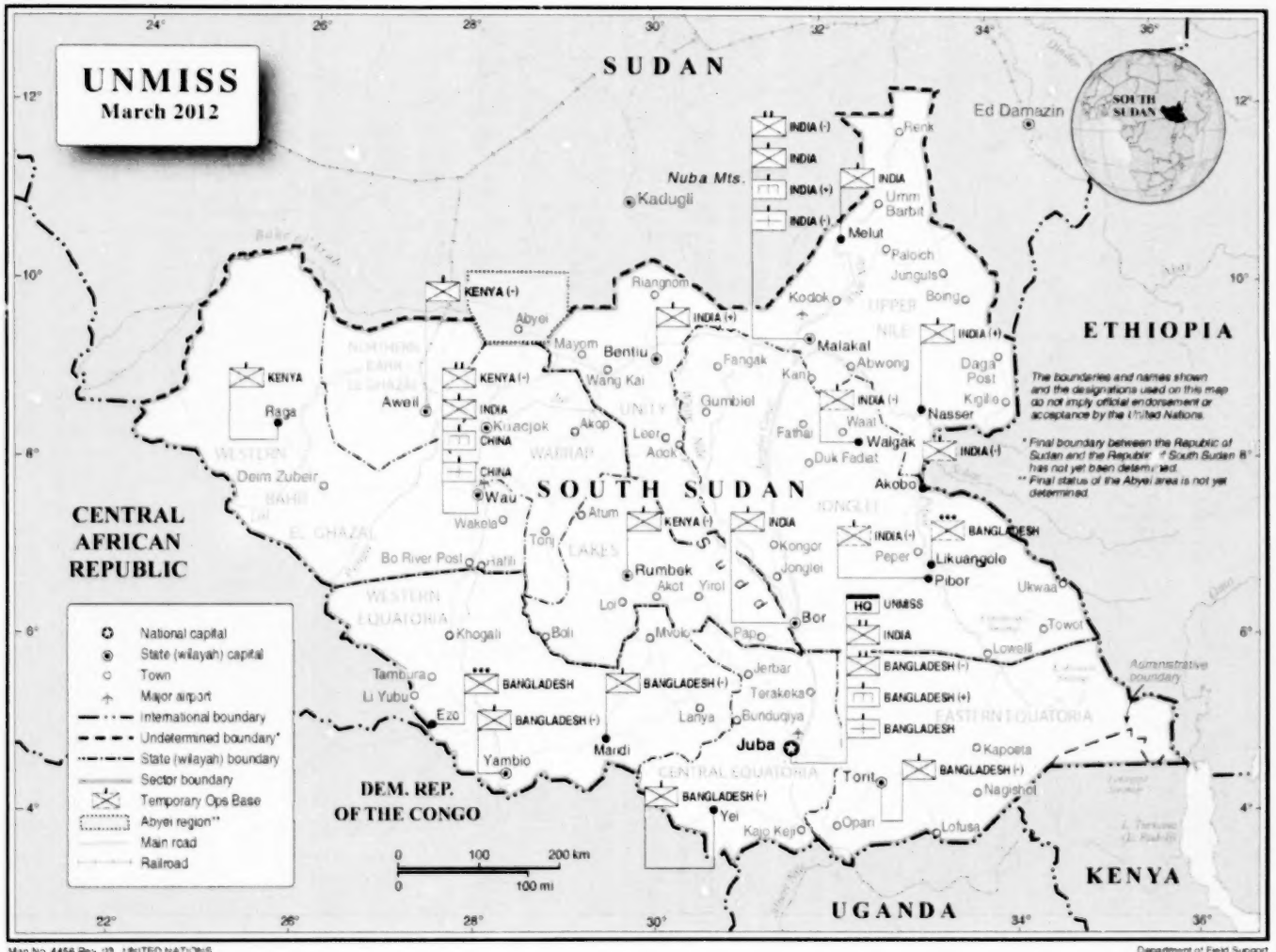
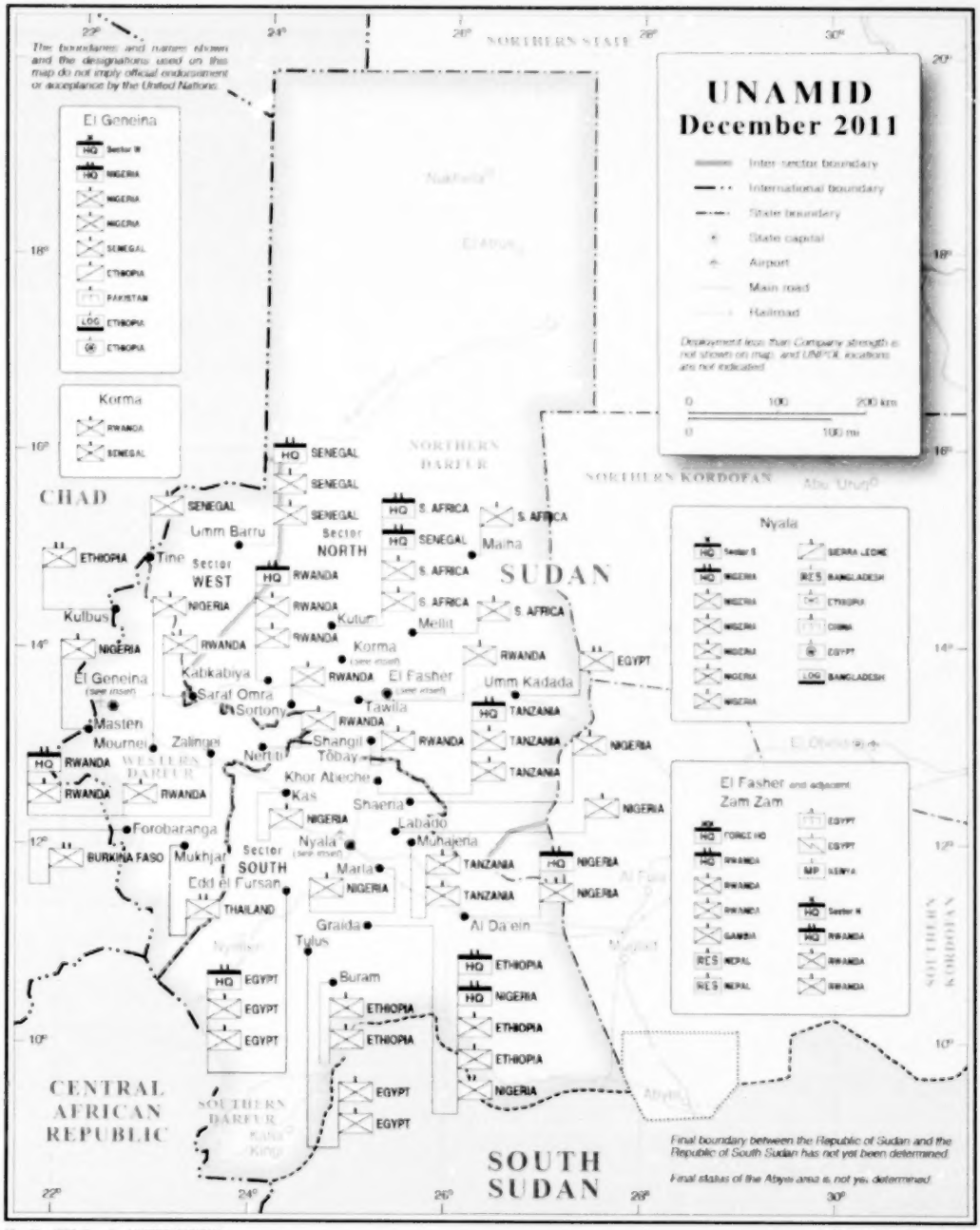
Annex to the letter dated 4 June 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council



Map No. 4450 Rev.1 UNITED NATIONS
October 2011

Department of Field Support
Cartographic Section


UNMISS
March 2012
SUDAN
SOUTH SUDAN
ETHIOPIA
CENTRAL AFRICAN REPUBLIC
DEM. REP. OF THE CONGO
UGANDA
KENYA
Nuba Mts.
Kadugli
Ed Damazin
Renk
Melut
Paloich
Junguls
Boing
Kodok
Malakal
Nasser
Akobo
Pibor
Likuangole
Bor
Juba
Rumbek
Yirol
Wau
Aweil
Raga
Deim Zubeir
Bo River Post
Khogali
Tambura
Li Yubu
Ezo
Yambio
Mundri
Yei
Kaja Keji
Torit
Kapoeta
Nagichot
Lafusa
Opari
Lowelli
Towot
Ukwaa
Peper
Jonglei
Kongor
Akot
Lakes
Warrap
Unity
Northern Bahr el Ghazal
Western Bahr el Ghazal
Western Equatoria
Central Equatoria
Eastern Equatoria
Upper Nile
Jonglei
Administrative boundary
HQ UNMISS
INDIA
BANGLADESH
KENYA
CHINA
National capital
State (wilayah) capital
Town
Major airport
International boundary
Undetermined boundary*
State (wilayah) boundary
Sector boundary
Temporary Ops Base
Abyei region**
Main road
Railroad
0 100 200 km
0 100 mi
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
* Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.
** Final status of the Abyei area is not yet determined.
Map No. 4456 Rev. 10 UNITED NATIONS
March 2012
Department of Field Support
Cartographic Section



Map No. 4327 Rev. 8 UNITED NATIONS
December 2011

Department of Field Support
Cartographic Section

United Nations S/2012/394

Security Council

Distr.: General
5 June 2012

Original: English

Letter dated 4 June 2012 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the League of Arab States to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a letter addressed to you from H.E. Nabil Elaraby, Secretary General of the League of Arab States, regarding resolution No. 7507 concerning the situation in Syria, dated 2 June 2012, which was adopted by the Council of the League of Arab States at its extraordinary session held at the ministerial level in Doha (see annex).

Pursuant to Article 54 of the Charter of the United Nations, I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Mohamed **El Kafrawi**
Chargé d'affaires a.i.

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Annex to the letter dated 4 June 2012 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

I have the honour to transmit herewith resolution No. 7507, dated 2 June 2012, adopted by the Council of the League of Arab States at the ministerial level, concerning developments in the situation in Syria. The resolution calls upon the Security Council to take forthwith all the necessary measures to protect Syrian civilians and impose a complete cessation of all acts of violence and crimes committed against the Syrian people. The international observers in Syria must be granted all the powers necessary to enable them to undertake the mandate that has been delegated to them, and the plan of the Joint Special Envoy of the United Nations and the League of Arab States must be implemented immediately and in full, within a specific time frame.

I hope that you will take the action that you deem to be appropriate with regard to the circulation to Security Council member States of the resolution which is annexed hereto, and that it may be considered an official document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Nabil **Elaraby**
Secretary General

Enclosure

Developments in the situation in Syria

The Council of the League of Arab States, meeting at the ministerial level, at an extraordinary session that was held in Doha on 2 June 2012,

Having considered the memorandum of the General Secretariat,

Being guided by resolution 554, which was adopted by the twenty-third League of Arab States summit, which was held in Baghdad on 29 March 2012,

Recalling the resolutions it has adopted and the statements it has issued in that regard, the most recent being resolution No. 7503, adopted at the extraordinary session of 26 April 2012,

Recalling also the statements issued in that regard by the Arab Ministerial Council on the Situation in Syria, the most recent of which was issued on 17 April 2012,

Recalling further the relevant United Nations resolutions, the most recent of which were Security Council resolutions 2042 (2012) and 2043 (2012),

Condemning the Hula massacre in the Syrian governorate of Homs, in which scores of innocent civilians, including children and women, lost their lives,

Taking note of the statement issued by the Security Council on 27 May 2012 on attacks in Syria, which stated that such outrageous use of force against civilian population constitutes a violation of applicable international law and of the commitments of the Syrian Government; and of the resolution in that regard that was adopted by the Human Rights Council on 1 June 2012,

Confirming its commitment to the sovereignty, independence, unity and territorial integrity of Syria,

Decides

1. To condemn the violations and crimes that continue to be committed against Syrian civilians by Syrian Government regular and irregular, or Shabiha, forces, in flagrant breach of that Government's undertaking to implement immediately and in full the plan of the Joint Special Envoy and Security Council resolutions 2042 (2012) and 2043 (2012).

2. To stress the need to empower the Human Rights Council Commission of Inquiry to perform the mandate it was given on 1 June 2012 to conduct an inquiry in order to establish who had been responsible for planning, perpetrating and covering up the massacre in Hula and bring them to justice for their gross violations of international humanitarian law.

3. To underline the need for compliance with the following resolutions of the Council of the League: No. 7444 of 22 January 2012 and No. 7438 of 12 November 2011, which called for the Arab States to recall their ambassadors from Damascus: the latter resolution was considered binding on all States. To underline also paragraph 1 (d) of resolution No. 7446 of 12 February 2012, in which it was decided to halt all forms of diplomatic cooperation with the representatives of the Syrian regime in international organizations and conferences and in States, and to call upon

all States that are concerned for the Syrian people to keep pace with Arab measures in that regard.

4. To call upon the Security Council to take forthwith all the necessary measures to protect Syrian civilians and impose a complete cessation of the bloodshed and all acts of violence and crimes committed against the Syrian people. The international observers in Syria must be granted all the powers necessary to enable them to provide civilians with protection and end the gross violations and crimes that are being committed against them.

5. To demand that the Syrian Government renounces its policy of using the security solution, in order to permit the immediate and complete cessation of all acts of violence and killing; guarantees the right of peaceful demonstration, with a view to realizing the demands of the Syrian people for reform and change; and undertakes to implement, immediately and in full, all the Council resolutions concerning the Syrian crisis and, in particular, No. 7444 of 22 January 2012, No. 7446 of 12 February 2012, and No. 554, which was adopted in Baghdad on 29 March by the twenty-third summit of the League of Arab States; the relevant United Nations General Assembly resolutions and, in particular, 66/253; and all six points of the plan of the Joint Special Envoy of the United Nations and the League of Arab States, Mr. Kofi Annan.

6. To call upon all the relevant parties to cooperate closely with the Joint Special Envoy in the furtherance of his duties; to stress the need for the Government of Syria to comply with the nature and terms of reference of the mandate of the Envoy and his team, given that he is the Joint Special Envoy of the United Nations and the League of Arab States; and to condemn the Government's refusal to receive Mr. Nasser al-Qudwa, the Deputy Special Envoy.

7. To request the management of the Arab satellite Arabsat and the Egyptian satellite company Nilesat to take the measures necessary to halt the transmission of Syrian official and other satellite channels.

8. To call upon all the opposition parties to overlook their differences, undertake their national responsibilities and respond immediately to the efforts exerted by the General Secretariat with a view to convening, as expeditiously as possible, a meeting at League Headquarters in Cairo that will include all those Syrian parties; and to request the Secretary General to continue his consultations and communications in that regard, in cooperation and coordination with the Special Envoy and in consultation with the relevant parties, with the aim of addressing the Syrian crisis and beginning the political process that will determine the steps to be taken during the interim period, including the formulation of ideas on the facilitation of the peaceful transition of authority.

9. To request the Government of Syria to facilitate the entry of humanitarian aid, underlining the need to ensure that such aid reaches all those who need it, without obstruction or delay, and to find a mechanism for coordinating the efforts of the United Nations and its organizations and agencies with those of other organizations and donor States and with the relevant neighbouring States. To request the General Secretariat, the ministerial councils, the funds and donor States to coordinate their endeavours in order to enable those States to continue to provide the services necessary to relieve the Syrian people in their territory.

10. To call upon the Security Council to shoulder its responsibilities under the Charter of the United Nations and take the measures necessary to ensure that all six points of the plan of the Joint Special Envoy, Mr. Kofi Annan, is implemented forthwith and in full, within a specific time frame. Recourse should be had to Chapter VII of the Charter and its provisions regarding complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

11. To request the Secretary General to transmit the present resolution to the Security Council and the General Assembly and other relevant parties.

12. To remain seized of the matter.

Resolution No. 7507, extraordinary session of 2 June 2012

Paragraph 10:

- With regard to the present resolution, the People's Democratic Republic of Algeria reiterates the position which was set out in the resolution that was adopted by the extraordinary meeting of the Council of the League of Arab States at the ministerial level on 26 April 2012.
- The Republic of Iraq has reservations as to the content of this paragraph and, in particular, to the phrase "Recourse should be had to Chapter VII of the Charter".
- The Lebanese Republic affirms its position, which requires it to disassociate itself from the resolutions concerning developments in Syria.